*au*

# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/783,899 | 02/15/2001 | Shouichi Gotoh | MTS-3244US | 6384 |

7590          12/20/2006

Allan Ratner
Ratner & Prestia
One Westlakes, Berwyn, Suite 301
P.O. Box 980
Valley Forge, PA 19482-0980

| EXAMINER |
|---|
| DURAN, ARTHUR D |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3622 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 12/20/2006 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _13 November 2006_.

2a)☒ This action is **FINAL.**        2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.    Claims 1-42 have been examined.

### *Response to Amendment*

2.    The Amendment filed on 11/13/06 is insufficient to overcome the prior rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.    Claims 1-42 are rejected under 35 U.S.C. 103(a) as being obvious over Ebisawa

5,886,731 in view of Ellis (2004/0194131) in view of Muyres (2002/0002488).

As per independent claim 1, Ebisawa (the ABSTRACT; FIG. 1; FIG. 2; FIG. 4;

FIG. 5B; FIG. 11; col. 2, ll. 7-30; col. 1, ll. 7-11; col. 10, ll. 27-55; and col. 8, ll. 37-41)

discloses: *"The present invention relates to a video data receiving apparatus receiving*

*video data; a video data transmitting apparatus transmitting video data broadcasting*

*system distributing video data. . . . And the receiving state information data are stored by*

*the external storing unit . . . for example, the floppy disk . . . with the user identification*

*code data which is added to the information and transmitted. . . . The storing unit 207 is a*

*storage means for storing the program data stream and CM data stream inputted from*

*the communication code decoder. . . .the storing unit . . . has a storage capacity enough*

*to store 20 minutes worth of AV data. . . . AV data of 30 seconds each is inserted . . . As a result, the output AV data becomes as shown in FIG. 5B. Namely, the viewer views a Cm of 30 seconds every 30 minutes. . . . Note that, to enable such a reception, the storing unit 207 must have a storage capacity enough to store data of at least the amount of output of the CM . . . .*" The Examiner interprets this disclosure as showing: "An advertisement supplying method, characterized in that an area for recording advertisement data is created in a large-capacity recording medium located at a user's location, advertisement data which are to be reproduced when an audience watch a program are recorded in said area in advance of the user watching the program, and said large-capacity recording medium is thereafter provided to the user, and after creating the advertisement data in the user's large-capacity recording medium, selectively synthesizing the program watched by the user with portions of the advertisement data previously created and stored in the user's large-capacity recording medium."

As per independent claim 2, <u>Ebisawa</u> (col. 1, ll. 30-45; the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5B; FIG. 11; col. 2, ll. 7-30; col. 1, ll. 7-11; col. 10, ll. 27-55; and col. 8, ll. 37-41) discloses the features of the elements of claim 2 which is similar to claim 1.

<u>Ebisawa</u> lacks an explicit recitation of "a free area for recording advertisement data is created. . . ."

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of <u>Ebisawa</u> (col. 1, ll. 30-45; the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5B; FIG. 11; col. 2, ll. 7-30; col. 1, ll. 7-11; col. 10, ll. 27-

55; and col. 8, ll. 37-41)  shows "a free area for recording advertisement data is created.

. . ." and it would have been obvious to modify and interpret the disclosure of Ebisawa

cited above as showing "a free area for recording advertisement data is created. . . .",

because modification and interpretation of the cited disclosure of Ebisawa would have

provided *"a video data receiving apparatus which displays a program with appropriate*

*insertions of CMs in a form in accordance with the desires of the viewer. . . ."* (see

Ebisawa (col. 1, ll. 45-50), based on the motivation to modify Ebisawa  so as to  provide

*"a video data transmitting apparatus which transmits CM data and program data so*

*that a receiving apparatus displays a program with appropriate insertions of CMs in*

*a form in accordance with the desires of the viewer. . . ."* (see Ebisawa (col. 1, ll. 50-

55).

As per claims 3, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, or 36 and  37,

Ebisawa shows the method of claim 1 and subsequent base claims depending from

claim 1.

Ebisawa (col. 1, ll. 30-45; the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5B; FIG.

11; col. 2, ll. 7-30; col. 1, ll. 7-11; col. 10, ll. 27-55; and col. 8, ll. 37-41; and whole

document) shows the elements of claims 3, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30,

32, or 36 and  37.

As per claims 4, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 34, 35, or 36

and  38, Ebisawa shows the method of claim 2 and subsequent base claims depending

from claim 2.

Ebisawa (col. 1, ll. 30-45; the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5B; FIG.

11; col. 2, ll. 7-30; col. 1, ll. 7-11; col. 10, ll. 27-55; and col. 8, ll. 37-41; and whole

document) shows the elements of claims 4, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29,

31, 33, 34, 35, or 36 and 38.

Independent claim 39 is rejected for substantially the same reasons as independent

claim 1.

As per claims 40-42, Ebisawa shows the system of claim 39.

Ebisawa (col. 1, ll. 30-45; the ABSTRACT; FIG. 1; FIG. 2; FIG. 4; FIG. 5B; FIG.

11; col. 2, ll. 7-30; col. 1, ll. 7-11; col. 10, ll. 27-55; and col. 8, ll. 37-41; and whole

document) shows of the elements of claims 40-42.

Also, Ebisawa does not disclose prerecorded advertisements that are stored prior to the

purchasing of the medium.

However, Ellis discloses:

Storing separate sets of advertisement data in the user's separate storage medium, prior to

receiving the sets of advertisement data; after storing the separate sets of advertisement data in

the user's storage medium, selectively synthesizing the program data received with portions of

the separate sets of advertisement data; and/or

Advertisement data is first stored in the user's storage medium and subsequently the user

receives a television program that also includes other sets of advertisement data; and/or

Storing, at a location separate from the user's location, the separate sets of advertisement

data in the user's separate storage medium; and subsequently placing the user's separate storage

medium at the user's location; receiving the sets of advertisement data and program data at the

user's location, after the placing of the user's separate storage medium; and/or

Advertisement data is stored in a user's system, next (b) the user's system is placed at the

user's location (for example, home), next (c) the system receives program data and advertisement

data from the television broadcasting station, and finally (d) the system selectively synthesizes

the program data, the advertisement data received from the broadcasting station, and the other

advertisement data that was previously stored in the system at a different location; and/or

Receiving and storing advertisement data at a location other than the user's location (a

store, for example). . .placing the system at the user's location and, subsequently receiving

program data and other advertisement data from the television station.

Ellis discloses these features at the following citations and throughout the Ellis disclosure

(Fig. 1; Fig. 22; and Paragraph 0136):

"[0136] It is to be understood that for the purpose of scheduling interactive

advertisements, interactive advertisements include interactive displays which provide user help

information or draw attention to advertising space. Interactive displays that provide user help

information or draw attention to advertising space may be assigned a default priority. Default

priority advertisements may reside at user television equipment (e.g., as part of the application

code at set-top box 70 of FIG. 1) and may only be displayed if no other advertisements are

available. For example, as shown in FIG. 22, the information stored in data table 300 provides

that the interactive advertisements for "Help Text" and "Available Space" have default priority

and that a day part may not be applicable to default priority advertisements. In operation

according to data table 300, display screens 302 and 304 include the default priority "Help Text"

and "Available Space" advertisements (respectively) because the other advertisements of higher

priority have not been received yet or are scheduled for a different day part. <u>Advertisements</u>

<u>such as default priority advertisements may be distributed separate from other advertisements.</u>

<u>For example, default priority advertisements may be received and stored earlier for repeated</u>

<u>presentation over several day parts, weeks, months, etc. Default priority advertisements may be</u>

<u>stored as part of the application or as part of non-volatile memory</u>".

Notice in this citation from Ellis that the default advertisements are separate from the

advertisements that are downloaded, that the advertisements are stored earlier than the other

advertisements, and that the advertisements can be stored as part of the application or as part of

non-volatile memory. Hence, the default advertisements can be stored as part of the instructions

or memory that come with the hardware device itself.

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add Ellis earlier stored advertisements and separate more frequently

downloaded advertisements to Ebisawa's downloading of advertisements and synthesizing with

content. One would have been motivated to do this in order to be able to provide advertisements

if no other advertisements are available.

As a further example of this, Muyres (20020002488) discloses that advertising or

marketing content or data or content or software can be preloaded/preinstalled/prestored on a

variety of hardware devices prior to the device being placed at the user's location or prior to the

medium being purchased by the user (below citation and throughout the Muyres disclosure):

"[0338] As was the case in describing the problems which the present invention can

address in the Background Art section, the above discussion has primarily used PCs as an

example. But the invention can solve problems beyond the context of just PCs. A PC is just one type of personal computerized device or system and a hard drive is just one type of primary storage unit. Those skilled in the relevant arts will readily recognize that the present invention can be used to initially provide and maintain, offer and vend, deliver or enable, configure and service digital content in a wide range of primary storage units and personal computerized systems (and potentially in small and enterprise networks as well). The examples noted, without limitation, in the Background Art section bear some reconsideration in view of this. Gaming stations, like Sony Playstation (.TM.) and Microsoft's X-box (.TM.) have a hard drive which can be <u>pre-loaded with digitally wrapped game software, clue books, advertising, etc</u>. The user can then view or use this, or may obtain a digital key to unwrap and promptly be able to use such. The same process works well for personal communication service (PCS) devices, television "set-top" boxes like WebTV (.TM.), Internet enabled cellular telephones; and personal digital assistants (PDAs), albeit to provide more than just game related digital content. And the same process works with "personal devices" that handle text, audio, image data and its capture, storage, playback, communication, etc.

[0340] . . . <u>and delivery of assets 22 from the local inventory 18 is virtually instantaneous, is guaranteed, and is free. In sum, the customers 40 may receive superior service, gain confidence in, and have access to what they want (which as described below, can be pre-loaded, and even default configured, i.e., virtually assuring that it will work)</u>."

Also, the following citations from Muyres are also relevant to the above features of the

Applicant's claims (Muyres; Abstract; Paragraphs [60, 61, 208, 209, 325, 328, 329, 4, 56]; claim

15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add Muyres' preloaded content onto a variety of hardware devices

prior to the device being placed at the user's location to Ellis' default advertisements that are

separate from the advertisements that are downloaded, and that are stored earlier than the other

advertisements, and that can be stored as part of the application code or as part of non-volatile

memory. One would have been motivated to do this in order to provide default advertisements

that are ready for display/utilization.

Additionally, Muyres discloses (as Applicant states on page 15 with steps (a), (b), and

(c)) that the advertisement is stored on the medium and then, subsequently, purchased and then

placed at the user's location. Also, Muyres discloses that the DCVM includes advertising

content and also that the DCVM advertising can be pre-stored/pre-installed prior to purchase

and/or that the DCVM can be updated dynamically (Muyres, [338, 340] from the rejection

above, and also the below citations):

> "The DCVM contains an infrastructure and an inventory of digital content, which
> includes <u>advertisements</u>. The infrastructure and inventory may both be stored in a hard
> drive, or the inventory may instead be stored on a removable media, such as a
> CD, DVD, or tape. Customers shop in a·plurality of stores operated by vendors
> and the <u>advertising</u> is then presented to them. A master server may also be
> provided to update the infrastructure and inventory, particularly including
> <u>advertisements</u> into the inventory (Abstract).

> [0060] In one preferred embodiment, initial delivery of the infrastructure 16
> is on the hard drives of new PCs 14. However, the DCVM 10 may also be
> "delivered" on a new hard drive 20 used for upgrading an existing PC 14. Or it
> may even be delivered via conventional software installation by loading it from

removable media 24 into the PC 14, or by downloading it from an online source and then installing it (a newer installation technique becoming common today).

[0061] Initial delivery of the inventory 18 may similarly be in pre-loaded format on the hard drive 20, or by provision on removable media 24 which is then placed as needed into the PC 14 for access by the infrastructure 16 (typically depending upon the capacity of the hard drive 20).

[0208] Two categories of digital content will be offered via the DCVM 10: "softgoods" and "hardgoods." Softgoods encompasses any intellectual property (IP) that can be made available to the end customer either through pre-positioned content (IP that is already at the client 12, including the assets 22 of the local inventory 18), or through electronic download (e.g., from the master inventory 104 or collateral). All softgoods will have been wrapped (e.g., encrypted) or trial injected and will need to be unwrapped (decrypted) as part of the fulfillment process. Unwrapping softgoods can be made to always require an electronic or digital key 60. That key is delivered to the customer transparently, via download to the client 12, or non-transparently via email, fax, or postal mail, or by voice. FIG. 2b provides a general overview of this.

[0209] Hardgoods encompasses all goods that require the IP, or the hardware itself to be physically provided to the customer. This definition includes software, when it is requested as an SKU from the original manufacturer. No provision (such as a custom CD) need typically be made for hardgoods delivery of digital content that exists only in softgoods electronic form.

[0325] Since the DCVM 10 comes pre-installed in a new PC 14, or on a hard drive 20 which is later installed, the PDO may be functioning the very moment the system enters its normal operating mode. A user thus may perceive a visible and audible presence provided by the infrastructure 16 as soon as the PC 14 completes its power-up boot sequence. This is an excellent mechanism to introduce and educate inexperienced users on a new PC 14, or to welcome them as customers 40 to the stores 44 and the services of the village 46.

[0328] Previously existing PDOs also have not been truly pre-installed. Instead they require complex setup, either as an operation following operating system installation or at some later time. Notably, few if any PCs are provided to end users with PDOs operable. Microsoft's Active Desktop (.TM.) provides a good example. Its basic functionality may be turned on during operating system installation, but specific PDOs then have to be chosen and enabled in a set-up operation that is daunting to even many experienced computer users. This is not "manufacturing" level pre-installation; it is post

installation "configuration," and it necessarily must be done by the end user or a party acting under their instruction for the end user to receive an acceptable result.

[0329] Content presented by such PDOs also has to be loaded. It is not initially present and, while an initial presentation (typically a welcome in the form of a web page) may be loadable from removable media, any digital content actually usable by the user must be retrieved over a communication link from a remote computer system. Furthermore, it should be noted that the initial web page presentations here are not PDOs at this stage. The user must select and enable specific PDOs related (or not) to the initial web page presentations. The end result of all of this may be very powerful, but often too powerful. It is unduly daunting to computer users, and it is just not pre-installed.

[Claim] 15. A computer program, embodied on a computer readable storage medium, for providing offline advertising on a personal computerized system having a display unit and a primary storage unit, the computer program comprising: (a) a code segment that generates a viewable window on the display unit, wherein said viewable window includes at least one position; (b) a code segment that retrieves a said ad from a campaign set which has been pre-stored in the primary storage unit, based on its respective said deployment attributes; and (c) a code segment that presents said ad in said position, thereby permitting a user of the personal computerized system to view said ad."

Also, in terms of Applicant's feature (d) on page 15, please see the combination of the prior art in the rejection above to see how the program and advertisement data are synthesized.

Also, note that it is the combination of the prior art which renders the features of the Applicant's claims obvious.

Also, please do note that Muyres discloses broadcast content and that the DCVM (advertising content) can be pre-installed and/or dynamically updated (above citations concerning pre-installing and also the below) for presentation to the user and that informational content and advertising content can be presented to the user at the same time (Fig. 12a, 12b; and below citations):

"[0004] Somewhat less widely appreciated is that many services are now also digital to a considerable extent. For example, computer users today let applets run tests and communicate the results to providers for obtaining installation, upgrade, and problem diagnosis of operating system and applications software; computer game players send each other hints via e-mail; and Internet "telephone," "radio," and "television" are emerging as replacements for specialized telephone and broadcast systems. Thus, often to a considerable extent services today can be reduced to digital communications, and can then also be treated as BOBs, in a somewhat more dynamic sense.

[0056] In contrast, the inventory 18 is relatively dynamic, potentially including assets 22 such as computer software products, music, audio books, video, and anything else which can be reduced to digital format and electronically transmitted and stored. The inventory 18 may be loaded on a local device, or it may also be accessible over a LAN having an appropriate bandwidth, since storage capacity and transfer rate are more important than responsiveness for it."

Additionally, Ebisawa discloses receiving and storing broadcast data at the local device and that the local device can select content that is inserted and displayed to the user (Fig. 4; col 7, lines 60-65; col 9, line 60-col 10, line 5; col 1, lines 50-55; col 2, lines 6-20).

Ebisawa does not explicitly disclose that the local device replaces content/advertising that was broadcast.

However, Ellis discloses broadcasting content and advertising, replacing broadcast content with local content (Figures 30, 26, 27, 28; [10, 147-150]). Ellis further discloses that advertisement information can be stored on the local user device ([82, 83]).

Also, note that Muyres discloses broadcast content (Fig. 12a) and local content (Fig. 12b) displayed to a user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Ellis replacing content that was broadcast to a user with local content can be added to Ebisawa's local device which selects locally stored advertising content

and inserts it into content that is displayed to a user.  One would have been motivated to do this

in order to better present content of interest to the user.

### *Response to Arguments*

3.      Applicant's arguments with respect to claims 1-42 have been considered but are not found

persuasive.

On page 13 of the Applicant's Remarks dated 11/13/06, Applicant states that the

combination of the prior art does not render obvious:

"receiving the program interleaved with broadcast advertisement data different from the

recorded advertisement data;. . .

the selective synthesizing includes removing a portion  of the broadcast

advertisement data and replacing the  removed  portion  with  a  portion  of

the  stored  advertisement data"; or,

"removing a portion  of the broadcast  advertisement data  and  replacing  the

removed  portion with a portion of the stored advertisement data".

However, Examiner notes that while specific references were made to the prior art, it is

actually also the prior art in its entirety and the combination of the prior art in its entirety that is

being referred to.  Also, one cannot show nonobviousness by attacking references individually

where the rejections are based on combinations of references.  See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

And, Examiner notes that it must be presumed that the artisan knows something about the art apart from what the references disclose. In re Jacobv, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The problem cannot be approached on the basis that artisans would only know what they read in references; such artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby. Also, the conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint of suggestion a particular reference. In re Bozek, 416 F.2d 1385, USPQ 545 (CCPA 1969). And, every reference relies to some extent on knowledge or persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F.2d 656, USPQ 12 (CCPA 1977).

And, Ebisawa discloses receiving and storing broadcast data at the local device and that the local device can select content that is inserted and displayed to the user (Fig. 4; col 7, lines 60-65; col 9, line 60-col 10, line 5; col 1, lines 50-55; col 2, lines 6-20).

Ebisawa does not explicitly disclose that the local device replaces content/advertising that was broadcast.

However, Ellis discloses broadcasting content and advertising, replacing broadcast content with local content (Figures 30, 26, 27, 28; [10, 147-150]). Ellis further discloses that advertisement information can be stored on the local user device ([82, 83]).

Also, note that Muyres discloses broadcast content (Fig. 12a) and local content (Fig. 12b) displayed to a user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Ellis replacing content that was broadcast to a user with local content can be added to Ebisawa's local device which selects locally stored advertising content

and inserts it into content that is displayed to a user. One would have been motivated to do this

in order to better present content of interest to the user.

Please also note that the additional citations added preceding have also been added to the

rejection above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The

examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.
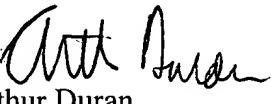
Arthur Duran
Primary Examiner
12/11/2006